

# 2018 FARM BILL

The 2018 Farm Bill removes hemp – defined as cannabis sativa L plant with a THC content of less than 0.3% on a dry weight basis – and its derivatives and extracts from the Controlled Substance Act. This means hemp is now a “legal” agricultural product under federal law and no longer a prohibited controlled substance.

**Federal Implications** Although hemp is legal to grow, the crop and its uses remain subject to regulatory oversight by a number of federal agencies, including the U.S. Department of Agriculture (USDA) and the U.S. Food and Drug Administration (FDA).

**State Implications** States have the authority to regulate, and even ban, hemp and hemp products, so any hemp-related activity also will need to comply with the laws of states in which it is cultivated, processed, or sold, in addition to any applicable federal laws.

## EXPLORE OUR RESOURCES

A History of EPA's Regulation of  
Pesticide Use on Cannabis

Pesticide Compliance in  
the Cannabis Industry

COMING SOON

PACKAGING, WATER, WASTE, AIR,  
PROCESSING AND EXTRACTIONS



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their enthusiastic support and contributions.

### QUESTIONS? IDEAS?

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# PESTICIDE USE IN THE CANNABIS INDUSTRY



Pesticide regulation is a complex area. This pamphlet provides  
an overview of the area and should not replace specific  
legal advice.

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# WHAT IS A PESTICIDE?

A “pesticide” is any “substance or mixture of substances intended for preventing, destroying, repelling,” or “mitigating any pest” or “for use as a plant regulator, defoliant, or dessicant” (FIFRA § 2(u))

## FEDERAL REGULATION

The federal government’s authority to regulate pesticides on cannabis crops and in cannabis-containing food items is contained primarily in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and in the Federal Food, Drug, and Cosmetic Act (FFDCA).

It is a violation of federal law to use any registered pesticide in a manner inconsistent with its labelling. Current EPA policy forbids registration under FIFRA of any pesticide with labeling specifically for use on cannabis, presumably because cannabis is regulated under Schedule 1 of the Controlled Substances Act and such authorizations would imply federal “approval” of the practice of growing a crop that is generally illegal under federal law.

EPA may exempt from the registration requirement a pesticide product that is of a character such that registration “is unnecessary.” FIFRA §25(b). These minimum risk products must meet certain EPA criteria set forth in the regulations. 40 CFR § 152.25(f). EPA policy has been that pesticides that are exempt from federal registration requirements under FIFRA Section 25(b) are not prohibited from use on cannabis.

# STATE REGULATION OF PESTICIDE USE ON CANNABIS A LOOK INTO CALIFORNIA

A pesticide product can legally be applied to cannabis under California state law if the active ingredient found in the product is exempt from residue tolerance requirements and the product is either exempt from registration requirements or registered for a use that is broad enough to include use on cannabis. [www.cdpr.ca.gov/docs/cannabis/can\\_use\\_pesticide.pdf](http://www.cdpr.ca.gov/docs/cannabis/can_use_pesticide.pdf).

### EXAMPLES INCLUDE:

#### INSECTICIDES AND MITICIDES



Potassium Bicarbonate  
(can also be used as a fungicide/antimicrobial)



Insecticidal Soaps  
(potassium salts of fatty acids)

#### VERTEBRATE REPELLANTS



Castor Oil



Geraniol  
(can also be used as an insecticide/miticide)

#### FUNGICIDES AND ANTIMICROBIALS



Sodium Bicarbonate  
(can also be used as an insecticide/miticide)



Rosemary/Rosemary Oil  
(can also be used as an insecticide/miticide)

### UNDER CALIFORNIA STATE LAW, SOME PESTICIDES CANNOT BE USED IN CANNABIS CULTIVATION, INCLUDING:

- Pesticides with groundwater issues  
For example: pesticides labeled for agricultural outdoor institutional or industrial use that contain certain chemicals with the potential to pollute groundwater
- Pesticides not registered for food use
- California Restricted Materials, including federal restricted use pesticides

Visit California’s Department of Pesticide Regulation’s website for more state guidance on pesticide use (see also [www.cdpr.ca.gov/docs/cannabis/questions.htm](http://www.cdpr.ca.gov/docs/cannabis/questions.htm))